

**ORDINANCE NO. 9  
SERIES 2003**

**AN ORDINANCE VACATING THAT PORTION OF THE EAST-WEST ALLEY LYING BETWEEN THE SOUTHERN BOUNDARY OF LOT 7 AND THE NORTHERN BOUNDARY OF LOTS 8 THROUGH 12, BOTH INCLUSIVE, ALL IN BLOCK 20, CITY OF GUNNISON, ACCORDING TO THE OFFICIAL AMENDED PLAT OF TOWN OF WEST GUNNISON, BEARING RECEPTION NO. 17078, COUNTY OF GUNNISON, STATE OF COLORADO.**

**WHEREAS**, the applicant, Michael J. Cole, submitted an application for vacating public property dated March 4, 2003, requesting the City of Gunnison to vacate that portion of the east-west alley lying between the southern boundary of Lot 7 and the northern boundary of Lots 8 through 12, both inclusive, all in Block 20, City of Gunnison, according to the official amended plat of West Gunnison, bearing Reception No. 17078, County of Gunnison, State of Colorado; and

**WHEREAS**, the subject alley has never been developed, never been used as a public thoroughfare, and has never been opened for public use; and

**WHEREAS**, the Planning and Zoning Commission of the City of Gunnison held a public hearing upon the proposed vacation on April 24, 2003, and has made a recommendation to the City Council that the City Council proceed with the requested alley vacation.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO ORDAINS THAT:**

Section 1. Findings of Fact. Based upon the application for alley vacation, the supporting materials submitted therewith, and the evidence adduced at the public hearing conducted by the Planning Commission of the City of Gunnison, the City Council hereby finds as follows:

a. That the applicant, Michael J. Cole, is the owner of Lots 4 through 7, both inclusive, Block 20, City of Gunnison, according to the official amended plat of West Gunnison, bearing Reception No. 17078, County of Gunnison, State of Colorado, and Nanette D. Oswald is the owner of Lots 8 through 12, both inclusive, Block 20, City of Gunnison, according to the official amended plat of West Gunnison, bearing Reception No. 17078, County of Gunnison, State of Colorado, being all of the property which is adjacent to the alley requested to be vacated.

b. That Ms. Oswald was sent written notice of the public hearing conducted by the Planning Commission upon said vacation, but did not appear or otherwise respond.

c. That no properties, other than those of the applicant and Nanette D. Oswald, would be denied access by the proposed alley vacation.

d. That the Building Official, Fire Marshal, and the Chief of Police have no objection to the proposed alley vacation.

e.. That no public comment was received at the public hearing in opposition to the requested alley vacation.

f. That the proposed vacation is in compliance with the City of Gunnison Master Plan.

g. That all utility issues that might be installed within the alley have been resolved.

Section 2. Vacation. The alley which is vacated by this ordinance is that portion of the east-west alley lying between the southern boundary of Lot 7 and the northern boundary of Lots 8 through 12, both inclusive, all in Block 20, City of Gunnison, according to the official amended plat of West Gunnison, bearing Reception No. 17078, County of Gunnison, State of Colorado.

Section 3. Title. The title to such vacated alley shall vest in accordance with the provisions of C.R.S. 43-2-302.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED**, this 24<sup>th</sup> day of June, 2003, on first reading, and introduced, read, and adopted on second and final reading this 8th day of July, 2003.

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Mayor

ATTEST:

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City Clerk